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ON OCTOBER 20, 2004

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October 20, 2004
DATE

Attorney Docket No.: BC45224

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlota Vinals Y de BASSOLS

Serial No.: 09/914,883

Group Art Unit: 1642

Filed: January 22, 2002

Examiner: Christopher H. Yaen

For: USE OF CASB616 POLYPEPTIDES AND POLYNUCLEOTIDES FOR
CANCER TREATMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS

Claims 17-45 are pending in the instant application. Claims 17-45 are subject to a restriction requirement.

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 USC §121

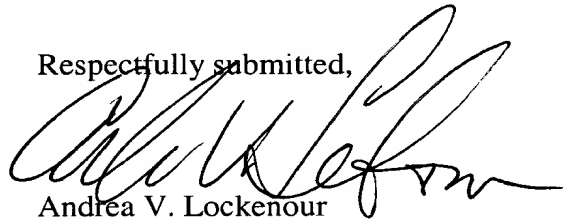
The following remarks are submitted in response to the Official Action dated September 20, 2004, and having a thirty day shortened statutory period the time for responding . Please charge any requisite fees to Deposit Account 19-2570.

The Examiner required restriction of claims 17-45 to one of sixteen groups. Applicants elect, with traverse, the invention of Group I, claims 17-19 and 21-23, drawn to an isolated polypeptides selected from the group consisting of (a) an amino acid which has at least 90% identity to SEQ ID No: 2; (b) an immunogenic fragment of an amino acid sequence of (a), wherein the fragment is at least 90% identical to SEQ ID No: 2; (c) an

immunogenic fragment of the amino acid of (a) that matches an aligned segment of SEQ ID NO: 2 with no more than five single amino acid substitutions, deletions or additions.

A restriction requirement under 35 U.S.C. § 121 is fully discretionary on the part of the Examiner. Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement and allow the claims of Groups I-XVI to be examined and issued in a single application. However, should the restriction requirement become final, Applicants retain the right to file divisional applications on the non-elected subject matter or any claims which may be supported by the specification.

Respectfully submitted,



Andrea V. Lockenour
Attorney for Applicants
Registration No. 51,962

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-7568
Facsimile (610) 270-5090
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